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Letter dated 18 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 9 October 2003 (S/2003/1009). The Counter-Terrorism Committee has received the attached fourth report from Indonesia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 18 January 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Acting upon instructions from my Government, I have the honour to submit herewith the fourth report on the measures taken by the Government of the Republic of Indonesia pursuant to the provisions of paragraph 6 of resolution 1373 (2001) concerning the fight against terrorism (see enclosure). As I have informed you in a note dated 31 December 2003, the submission of the report was delayed beyond the deadline due to some additional time needed to complete the report in Jakarta.

(*Signed*) Rezlan Ishar **Jenie**
Ambassador/Chargé d'affaires a.i.

Enclosure

FOURTH REPORT TO THE COUNTER-TERRORISM COMMITTEE (CTC)
OF THE UNITED NATIONS SECURITY COUNCIL
PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001)

REPUBLIC OF INDONESIA

Implementation Measures

1. **The third report from Indonesia states (at page 3) that the Government has established an independent financial intelligence unit, namely the Indonesian Financial Transaction Report and Analysis Centre (INTRAC). Is INTRAC adequately structured, empowered and staffed (financially and technically) to perform its mandated functions in full? Please provide data concerning the requirements referred to immediately above.**

The Indonesian Financial Transaction Report and Analysis Centre (INTRAC) was established in accordance with Law No. 15/2002 pertaining to Crime of Money Laundering as amended by Law No. 25/2003. The organizational structure of INTRAC is stipulated in the above law and further elaborated in Presidential Decree No. 81/2003. INTRAC structure consists of Head of INTRAC, four Deputy Heads, respectively responsible for research, analysis and inter-agency cooperation; legal and adherence; information technology; and administration. Each Deputy Head is assisted by a maximum of 3 directorates consisting of specialist groups. In performing its function, the Head of INTRAC may be assisted by expert staffs as necessary to provide recommendation and analysis on specific issues. INTRAC's organizational structure is consistent with the principles of a modern organization and with the structure and characteristics of Financial Intelligence Units in other countries.

INTRAC's duties and authorities are regulated under Article 26 and 27 of Law No. 15/2002 pertaining to Crime of Money Laundering as amended by Law No. 25/2003 and elaborated in Presidential Decree No. 82/2003 regarding the Procedure on the Implementation Authority of INTRAC. Under these legal instruments, INTRAC is authorized to conduct analysis of STR and report its findings to the police and attorney general's office; to solicit and receive information from financial service providers and individuals including to require financial service providers to provide data, documentation and information in their possession; to solicit information on the progress of investigation and prosecution of money laundering related crimes; to audit financial service providers on their adherence to relevant laws on money laundering; to submit reports on the analysis of financial transactions and other activities to the President, Parliament (DPR) and financial authorities; to give recommendation to the government and advice to other agencies; to issue regulations and guidelines on financial transaction reporting which are to be fulfilled by financial service providers; to cooperate and

collaborate with other parties/agencies within and outside the country; to propose the establishment of national coordinating committee, to publicize steps taken in performing its functions in accordance with its duties and authorities.

Currently INTRAC has 32 staffs consisting of personnel in secondment from Bank Indonesia (Central Bank), Department of Finance, Attorney General's Office, professional staffs under contract to perform functions in the area of report analysis, information technology, public relations, general and financial administrative duties. In addition, INTRAC has also requested additional secondments from other relevant government agencies. INTRAC has received contact persons from the Directorate General of Tax and the Directorate General of Custom and Excise, the Attorney General's Office and financial service providers to support the performance of its duties and authorities.

INTRAC's source of budget derives from the state's budget (APBN). Pending availability of the state budget, in 2003, INTRAC receives financial and other operational facilities from the Central Bank.

2. **The third report also states (at page 4) that Financial Service Providers are required to submit Suspicious Transactions Report (STR) to INTRAC. The CTC would appreciate a progress report on the proposed amendment of the Law so as to extend the obligation to submit such reports to professionals, such as accountants and lawyers. Please inform the CTC as to:**

- **The number of STRs received by INTRAC, and**
- **Administrative or penal sanctions imposed for failure to comply with reporting obligations**

Amendments to Law No. 15/2002 had been completed with the enactment of Law No. 25/2003 on 13 October 2003. The FATF has responded positively to the amendments and viewed them to have met international standards (40+8 recommendations of the Financial Action Task Force on Money Laundering/FATF). The amendments have broadened the definition of financial service providers as a party which are required to submit STR, and includes anyone who provide services in the financial area, including but not limited to banks, financial institutions, securities companies, mutual fund managers, custodians, trust agents, depository and settlement agents, foreign exchange traders, pension funds, insurance companies and post offices. Although the definition of financial service provider does not currently include lawyers and accountants, the Law gives the Head of INTRAC the authority to broaden the definition, while taking into account the maturity of the industry and the public.

To date INTRAC has received 379 STR from 33 financial service providers (in this case: banks) and submitted 86 STR to investigators for further due process of law.

Administrative sanction in the case financial service providers fail to submit STRs is regulated through the Know Your Customer principles administered by Bank Indonesia, the Finance

Ministry, and the Capital Market Supervisory Agency (Bapepam) as state agencies authorized to supervise financial institutions.

In accordance to Bank Indonesia regulation No. 3/10/PBI/2001 concerning Know Your Customer Principle, banks which fail to submit STRs to Bank Indonesia will be fined 1 million IDR/day until it fulfills this obligation. The maximum penalty is 30 million IDR. Specifically, penalty/administrative sanction against *Bank Perkreditan Rakyat* (Peoples' Credit Bank) for failing to submit STRs is regulated under Article 52 of Law No.7/1992 on Banking as amended by Law No. 10/1998. According to Article 52 these sanctions include: fine, written reprimand/warning, downgrade of bank financial soundness rating, barring from any clearing activities, freezing of business activities, dismissal of bank's board of management, inclusion of board of directors, bank staffs, shareholders into the banking blacklist. Administrative sanction against non-bank financial institution is regulated through the Decision of the Minister of Finance No. 45/MK.06/2003 of 30 January 2003, on the Application of Know Your Customer Principle on Non-Bank Financial Institution. Meanwhile administrative sanctions in the capital market sector is regulated through Decision of the Head of the Capital Market Supervisory Agency No.Kep-02/PM/2003 on Know Your Customer Principle of 15 January 2003.

The Law pertaining to Crime of Money Laundering imposes penal sanctions against any financial service provider which intentionally does not submit STRs to INTRAC. This mischief will be fined a minimum of 250 million IDR and a maximum of 1 billion IDR.

3. **Sub-paragraph 1 (c) of the Resolution requires States to freeze funds and other financial or economic resources related to terrorism. In this regard, does Indonesia have a separate authority or agency responsible for seizing and confiscating terrorist related assets? The CTC would appreciate receiving an outline of the legal basis for such an authority or agency as well as an outline of its functions. The CTC would also welcome an account of the legal provisions allowing for the review of the decisions taken by such an authority or agency. Please indicate the financial magnitude of the assets seized and confiscated.**

Indonesia does not have a body/agency especially established to freeze funds and other financial or economic resources related to terrorism. According to the Indonesian Criminal Procedure (KUHAP), the authority to conduct the seizing and the confiscating of funds and other financial or economic resources related to terrorism are invested on investigators, public prosecutors and judges depending on the level of case proceeding of the terrorist crime. Decision of these agencies to seize and confiscate shall not be open to judicial review (material).

4. **In reply to the questions from the CTC related to sub-paragraphs 1 (b) and (c) of the Resolution, the third report of Indonesia states (at pages 5 and 6) that the Government Regulation in-lieu of Law (Perpu) No.1/2002, meets these requirements. The CTC would appreciate receiving up to date information about the number of cases in which financial**

assets have been frozen and the number of individuals or entities whose assets have been frozen or seized because of their suspected connection with the financing of terrorism.

The Indonesian police has ordered the freezing of accounts owned by individuals suspected of connection with acts of terrorism. These individuals include Ali Gufron, Parlindungan Siregar, Utomo Pamungkas, Abdul Azis, Nasaruddin Bin Abdul Jalil, Faithi Bin Abu Bakar Bafana, Siliwangi, Ramiah Nasution, Susmiati, Tursiak, Syarifah Zarniyah, Sujiati, Edi Indra, Fahjry, Hernianto, Muthmainah and Hussein. Also accounts belonging to a company PT Yasa Edukatama.

5. **The CTC would appreciate receiving further information about the mechanisms in place in Indonesia to ensure that funds collected by non-profit organizations (such as charitable, religious or cultural institutions) are not diverted to purposes other than their stated purposes, in particular to the financing of terrorism.**

6. Acts of terrorism qualifies as a predicate offense to money laundering based on Article 2 of Law No. 15/2002 pertaining to Crime of Money Laundering as amended by Law No. 25/2003. Supervision on foundations, charitable, religious and cultural organizations within the anti money laundering regime in Indonesia is conducted by way of monitoring STRs submitted by financial service providers. Gradually foundations, charitable, religious and cultural organizations will be incorporated into the definition of financial service providers. Likewise, Indonesia is in the process of applying international standards in the eradication of money laundering and terrorist financing in line with the 40+8 recommendations of the FATF.

Legal basis for the supervision of non-profit organizations are as follow:

- Law No. 8/1985 on Mass Organization
- Governmental Regulation No. 18/1986 on the Implementation of Law No. 8/1985
- Circular Letter of the Minister of Home Affairs No. 223/1302.DI issued 29 August 2002 to all Governors/Regents/Mayors throughout Indonesia on Mass Organization and Non-Profit Organization
- Circular Letter of the Minister of Home Affairs No. 220/290.DI issued 15 April 2003 to all Governors/Regents/Mayors throughout Indonesia on Procedure to Inform Existence of Mass Organization.

7. Based on the above mentioned legal bases and in order to guarantee that the funding received by non-profit organizations are not diverted to purposes other than their stated purposes, in particular to the financing of terrorism, the following steps are taken:

- All Governors/Regents/Mayors shall examine that the statutes, rules of association and programs of each non-profit organization are in line with the vision, mission and objective of the said non-profit organization.

- The Ministry of Home Affairs on a regular basis coordinates with relevant agencies in order to detect and anticipate any activities that might endanger or threat public security and order.

- The Ministry of Home Affairs shall encourage non-profit organization to perform their function in support of national program and to supervise and ensure that their activities do not violate the laws and regulations.

- The Ministry of Home Affairs shall encourage positive public participation (supervision) to evaluate the activities of these organizations.

Sub-paragraph 1 (d) of the Resolution requires States to have legal measures in place to regulate alternative money remittance services/transfer services and informal banking networks. Please outline the legal provisions which are in force in Indonesia to regulate money remittance transfer agencies or services. Can money remittance/transfer services engage in business in Indonesia without being registered or licensed?

The legal provisions in force regulating money remittance transfer agencies or services are two Decisions issued by the Head of INTRAC, namely No. 2/5/KEP.PPATK/2003 on the Guidelines for Money Changer and Money Remittance/Transfer Services to Identify STRs and No. 2/7/KEP.PPATK/2003 on the Guidelines for Money Changer and Money Remittance/Transfer Services to the Procedure of Submitting STRs, respectively.

The Guidelines to Identify STRs cover provisions on knowing the customers, the significance of conducting proper identification procedure, the elements and indicators of STRs.

The Guidelines to the Procedure of Submitting STRs cover types of information that require reporting, instructions on how to fill the forms, deadline of reports, consequences of failing to report promptly, address of report, procedure of submitting the report and confidentiality.

In order effectively to implement sub-paragraphs 2 (e), states are required to take measures to ensure that terrorist and their supporters are brought to justice. In this regard has Indonesia provided its administrative, investigative, prosecutorial and judicial authorities with specific training aimed at enforcing its laws in relation to:

- **Typologies and trends to counter methods and techniques related to the financing of terrorism;**
- **Techniques for tracing assets, which represent the proceeds of crime or which are to be used to finance terrorism, with a view to ensuring that such assets are frozen, seized or confiscated.**

INTRAC hopes that it can receive assistance in developing human resources, specifically the skills of analyst of STRs. Training, seminars, discussions or other form of training to help

understanding and enhance skills in countering terrorist financing or terrorism as a predicate crime of money laundering is urgently needed to enhance the performance of its function and authority.

Prosecutors have been involved in several training, including on combating money laundering and terrorist financing, counter-terrorism crisis management training and the ASEAN Government Legal Officer Programme on Anti-Terrorism.

Effectiveness of Counter-Terrorism Machinery

8. The CTC would appreciate receiving a progress report on the enactment of the Anti-Terrorism Bill by the Parliament of Indonesia, as well as an outline of its principal provisions.

On April 4, 2003, the Indonesian Parliament (Dewan Perwakilan Rakyat/DPR) passed into law two previous Government Regulations in-lieu of Law, as follow:

- Law No. 15/2003 on the Enactment of Government Regulation in-lieu of Law No. 1/2002 on Combating Terrorism,

- Law No. 16/2003 on the Enactment of Government Regulation in-lieu of Law No. 2/2002 on the enactment of Government Regulation in-lieu of Law No. 1/2002 and its applicability to the Bali bombing tragedy of October 12, 2002.

Its principle provisions are as follows:

The Law on Combating Terrorism is specific in nature as it contains new provisions not included in previous laws and have diverted from the general provisions as contained in the Penal Code (KUHP) and Indonesian Criminal Procedure (KUHAP).

The law is a policy and strategic step to strengthen and secure public order and safety by upholding and respecting the law and human rights. It is non-discriminative towards ethnic groups, religion, race or other groupings.

It also specifically contains provisions regarding the scope of jurisdiction which is transnational and international in nature and consist of special provisions on acts of terrorism with links to international terrorism. This special provision is not a form of discrimination but a clear commitment to fulfill the provisions of Article 3 of the Convention Against Terrorist Bombing (1997) and the Convention on the Suppression of Financing of Terrorism (1999).

Other specific nature of the Law:

- Serves as a provisional umbrella of other laws related to the eradication of terrorism;

- It is a specific regulation reinforced by penal sanction and is coordinative in nature. It serves to strengthen provisions contained in other laws related to the eradication of terrorism;
- Contains specific provisions on the human rights protection of suspects or the accused (*safeguarding rules*);
- Introduces a new legal institution within the criminal procedure known as *hearing*; it also introduces *legal auditing* of all documents or intelligence reports submitted by investigators as to whether or not to continue an investigation on the presumption of acts of terrorism;
- Affirms that crime of terrorism is excluded from political or politically motivated crimes, therefore bilateral and multilateral cooperation to combat crime of terrorism could be pursued more effectively;
- Contains regulation on jurisdiction based on principles of territoriality, extra-territoriality and active nationality, thus can cover crime of terrorism committed beyond Indonesian territory;
- Contains provisions on terrorist financing as crime of terrorism, therefore strengthens Law No. 15/2002 on Crime of Money Laundering;
- Maintains provisions of minimum penal sanction against perpetrators of acts of terrorism to discourage them from recommitting the crime.

9. **Indonesia states, in its third report (at page 3), that two Presidential Instructions were issued in the aftermath of the Bali bombing tragedy. Presidential Instruction No. 4/2000 instructed the Coordinating Minister for Political and Security Affairs to formulate a comprehensive policy to combat terrorism. As follow-up measure, the "Desk for Coordination of Eradicating Terrorism (DCET)" was established to formulate Government policies in combating and eradicating terrorism in a coordinated manner. Could Indonesia outline for the CTC how its special counter-terrorist strategy, policy and/or activities address the following areas:**

- **Criminal investigation and prosecution:**
    - Conduct crime scene investigation in a professional manner;
    - Conduct repressive actions: arrest, detain, investigate in accordance with the law and in no way violating human rights;
    - International cooperation in investigating acts of terrorism including employing state-of-the-art technology;
    - Training for investigators;
    - Training simulation by anti terror units;
    - Uncovering of terrorist network;
    - Freezing of assets of terrorist organizations/groups;
    - Implement provisions on money laundering in a consistent manner, including tracing of terrorist funding without overlooking the principle of bank secrecy.

- **Counter-terrorist intelligence (human and technical):**
  - Application of state-of-the art technology to conduct surveillance and interception;
  - Infiltration into terrorist organizations;
  - Development of early detection mechanism including to anticipate possible hate crime towards any ethnic, race, religion or groups;
  - Exchange of intelligence information;
  - Develop database on terrorism;
  - Attack on terrorist bases, apprehending terrorist suspects;
  - Hostage situation handling;
  - Preparation for the establishment of an anti-terror special forces.

- **Links between terrorism and other criminal activities:**
  - Control of the use of explosives and chemical materials for bomb-making;
  - Tighter screening process for the application of travel documents (passports, visa issuance);
  - Harmonizing visa regulations with neighboring countries;
  - Tighter screening for the issuance of identity cards;
  - Observation/surveillance of suspicious public activity;
  - Intensify and encourage neighborhood watch.

- **Physical protection of potential terrorist targets:**
  - Providing security and protection for VIPs and vital installations;
  - Providing security and protection of transportation and communication system;
  - Providing security and protection of public places/infrastructure;
  - Providing security and protection of diplomatic facilities, foreign interests and international facilities;
  - Intensify border control.

- **Emerging threats:**
  - Supervision and detection of deviation of religious teachings by fundamentalist groups that may lead to extremisms and radicalism;
  - Detection and analysis of political demands of radical and terrorist groups that contradicts government policy;
  - Surveillance and detection of any involvement of radical groups in activities that might lead to acts of terrorism;
  - Surveillance and detection of any activities of underground movements;
  - Cautious of the increasing number of unemployment, side effects of development programs (lost of jobs, poverty and victim of eviction, etc).

10. The CTC would be grateful for information concerning the number of persons prosecuted for:

- **terrorist activities,**
  14 people
- **financing terrorist activities,**
  6 people
- **recruitment to terrorist organizations**
  None
- **providing other forms of support to terrorist or terrorist organizations**
  44 people
- **Inviting support (including recruitment) to proscribed organizations and to other terrorist groups or organizations?**
  None

11. The CTC would be grateful for information concerning the use of special investigative techniques in the fight against terrorism, such as undercover police operations, controlled deliveries and the monitoring and/or the interception of communications (such as the internet, radio, audio-visual media and other advanced communication techniques).

In performing its duties to conduct preliminary investigation, the police employs tactics and techniques allowed by the criminal procedures and relevant laws. Internal and external supervising body are available to detect any abuse in the investigation process. The criminal justice system provides a *pre trial review* mechanism, which serves as an external mechanism by which it can supervise and evaluate whether or not an investigation has been conducted properly according to the law and whether its violation merits compensation, rehabilitation or any other form of civil claim.

The purpose of employing techniques and tactics in preliminary investigation is to gather information to complement any existing evidence (witness testimony, expert testimony, documents, letter, leads and suspect testimony) prior to the start of investigation. Such techniques and tactics could include application of hi-tech equipment or other means, as far as it does not digress from existing laws. Such form of investigation include:

- Personal approach;
- Interview;
- Observation;
- Surveillance against person/organization having indication/links to acts of terrorism;

- Undercover operation;
- Penetration/infiltration into target organization;
- Interception of communication who is suspected of having links with terror networks;
- Development of cases;
- Other methods to seek and secure information within the corridors of the existing law.

12. Are there programs in place to protect members of the judiciary, law enforcement officer, witnesses and persons willing to provide information from intimidation by terrorist?

Protection program for informants are regulated in Article 33 and 34 of Law No. 15/2003. A security guarantee is given by law enforcement agencies based on existing regulations. The form of such protection include guarding, escorting and sheltering of witnesses.

13. The CTC would appreciate receiving further progress report on the ratification and implementation in Indonesian Law of the eight international instruments related to terrorism to which it is not yet a party.

Indonesia is a party to four of the twelve core conventions on terrorism. Indonesia attaches great importance to the early ratification or accession to the remaining eight conventions. Of those eight conventions, Indonesia has signed two Conventions, namely the International Convention for the Suppression of the Financing of Terrorism (1999) and the Protocol on the Suppression of Unlawful Acts of Violence at airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1998). Although the Protocol has yet to be ratified by Indonesia, in practice it has already been implemented under Article 8 of Law No. 15/2003 on Combating Terrorism.

Currently the priority of the Indonesian Government is being given to the process of ratifying/acceding to International Convention for the Suppression of the Financing of Terrorism (1999) and the International Convention for the Suppression of Terrorist Bombings (1997). The process is currently in an advanced stage whereby the governmental forum consisting of agencies/departments related to issue of counter-terrorism is finalizing the necessary preparation before adoption by the Parliament.

Effectiveness of Customs, Immigration and Border Controls

14. Effective implementation of paragraphs 1 and 2 of the Resolution requires that effective customs and border controls be maintained with a view to preventing and suppressing the financing of terrorist activities. Does Indonesia impose controls on the cross-border movement of cash, negotiable instruments, precious stones and metals (for example, by

imposing an obligation to make a declaration or to obtain prior authorization before any such movements are made)? Please provide information concerning relevant monetary or financial thresholds.

To anticipate the flow of currency, precious stones and metals and other negotiable instruments into and from the country that could be used for commission of acts of terrorism, money laundering and other crimes, the following measures are in place:

- Control on movement of cash are imposed through Bank Indonesia Regulation No. 4/8/PBI/2002 dated 10 October 2002 on the Regulations and Requirements for Carrying Rupiahs Outside or Inside the Customs Territory of the Republic of Indonesia. It regulates that a person carrying a sum of 100 million IDR to destination outside Indonesia is obliged to obtain permission from Bank Indonesia, while a person carrying a sum of 100 million IDR into Indonesian territory is obliged to confirm the originality of the currency to the Customs and Excise at the place of arrival. In this case, the Directorate-General of Customs and Excise enforces the above regulation at point of exit from/entry into Indonesian territory.

- Control on movement of precious stones and metals and other precious goods are imposed through Decree of the Minister of Finance No. KMK-490/KMK.05/1996 dated 31 July 1996 on the Regulations on Passenger's Imported Goods, Passengers' Means of Transportation, Border Crosser, Postal Delivery and Delivery through Expedition Service Company. The Decree obliges passengers to report their goods through customs declaration form, especially passengers carrying goods passing duty free area and import tax of US$250 per person or a maximum of US$1,000 per family.

15. **Paragraph 2 of the Resolution also requires States to prevent the movement of terrorists and the establishment of safe-havens. In relation to international flights, does Indonesia compare the information contained in *advanced passenger manifest programs* with the information contained in counter-terrorist databases with a view to scanning inbound passengers before they land?**

The Directorate-General of Immigration has thus far not yet applied the Advanced Passenger Information (API) system. It has, however, conducted pro-active measures against information related to potential passengers suspected as terrorists. Should there be information on the plan of arrival of certain individual suspected to be involved in terrorism act, the Directorate-General of Immigration would contact the airlines to check whether such individual is on their pre-manifest or booking list to journey into Indonesia. The same procedures are applied to Indonesian citizens deported from other country. In such cases, the Directorate-General of Immigration receives such information from Indonesian Embassies/Representatives abroad. These would allow for coordination with security apparatus (police or intelligence agencies), to take place at the airport of entry.

16. Please outline the legal provisions and other procedures in place which govern the acquisition of Indonesian citizenship and Indonesian passports.

Indonesian citizenship is acquired through:

- Process of naturalization;
- Marriage;
- Choosing citizenship after the age of 18 (adulthood) for individual whose mother is an Indonesian citizen;
- Re-obtaining citizenship for ex Indonesian citizen.

Indonesian passport:

- Is given to Indonesian citizens;
- Not included in the black list.
  The black list also contain names of individuals involved in crime of terrorism.

Effectiveness of Controls Preventing Access to Weapons by Terrorists

17. Sub-paragraph 2 (a) of the Resolution requires each Member State, inter alia, to have in place appropriate mechanisms to control and prevent terrorists from gaining access to weapons. Has Indonesia established a national reporting or auditing procedure to detect the loss of theft of hazardous materials, such as radiological, chemical and biological materials and their waste products, whether held by government or private bodies?

There are a set of law and regulation that govern the safety and control of radiological and nuclear material including preventing its theft and the sabotage of nuclear facilities:

- Law No. 10/1997 on Nuclear Energy;
- Convention on the Physical Protection of Nuclear Material, which was ratified by Presidential Decree No. 49/1986;
- Government Regulation No. 63/2000 on the Safety and Health of Ionizer Radiation Use;
- Government Regulation No. 64/2000 on Permission of Nuclear Power Use;
- Government Regulation No. 26/2002 on the Safety of Radioactive Materials Transport;
- Government Regulation No. 27/2002 on the Management of Radioactive Waste;
- Decree of the Head of the Indonesian Nuclear Energy Control Board (BAPETEN) No. 13/Ka-BAPETEN/V-99 on Accountability and Control of Nuclear Material, to implementation the *Safeguards Agreement* pursuant to IAEA INFCIR/153;
- Decree of the Head of BAPETEN No. 02-P/Ka-BAPETEN/V/99 on the Physical Protection of Nuclear Materials to implement the Convention on the Physical Protection of Nuclear Material pursuant to IAEA INFCIR/225/Rev.1;

With the above-mentioned legal framework, in principle, Indonesia has already in place a mechanism to control and prevent illegal access to nuclear and radiological materials. The Indonesian Nuclear Energy Board (BAPETEN) conducts monitoring/control through issuing regulations and permits as well as conducting inspections.

In practice, BAPETEN has implemented a procedure of nuclear material inventory accounting system, which covers all nuclear installation and related facilities in the country. The verification of inventory is done by routine inspection and a national reporting mechanism. This system allows for the monitoring of the quantity, location, owner, movements from one installation to another, export and imports of nuclear materials, including its waste. Any theft or loss (intentional or not) of radioactive and nuclear material will be identified by this system.

The import and circulation of biological and chemical materials is regulated by the Decree of the Department of Industry and Trade No. 254/MPP/Kep/7/2000. This decree is intended to control and monitor the use of these materials according to their function and to prevent their misuse. Importer of hazardous materials, which include some 351 chemical substances, including precursors that could be used to build chemical weapons, must submit an end-user report to the Department of Industry and Trade and the National Agency for Drug and Food Control.

The control of biological substances and safety in work places in microbiological laboratory is regulated in the Decision of the Minister of Health No. 1244 on The Safety in Microbiological Laboratory and Biomedic.

18. **Has Indonesia put in place radiation, detection and monitoring devices, such as portal monitors and radiation pagers, at points of entry?**

The government has put in place radiation, detection and monitoring devices in the main seaports such as: Tanjung Priok Port, Jakarta and Tanjung Perak Port, Surabaya. Meanwhile at main airports in Indonesia, such as Soekarno-Hatta International Airport, Jakarta detection and monitoring equipment, such as X-ray scanners are in place.

19. **Has Indonesia put in place the necessary specialist procedures and personnel with a view to providing the appropriate safety and law enforcement responses in the event of such materials being detected? In such an eventuality, would Indonesia be able or willing to assist another country or countries?**

In the event that such materials are detected, the Indonesian government has in place the following safety procedures:

- Law No. 4/1984 on Epidemic of Infectious Disease;
- Regulation of the Minister of Health No. 560/1989 on Certain Epidemic Diseases and Its Handling;

- Decision of the Director-General of the Eradication of Infectious Diseases No. 451/1991 on Guidelines for the Investigation and the Management/Response of Emergency Situation;
- Decision of the Minister of Health No. 1217/2001 on The Guidelines of Radiation Security which aims to secure the environment from the negative effects of radiation;
- Decision of the Director-General of Eradication of Infectious Diseases No. HK 00.06.6.655 of 2000 on General Guidelines on Securing the Affects of Radiation and Working Procedure for Alertness, Preparedness and Overcoming of Radiation Emergency Situation in the field of Health.

The Department of Health's R&D division, the Directorate-General of the Eradication of Infectious Diseases and NAMRU-2 (as a WHO Collaborating Center for Emerging Infectious Diseases) has prepared an outbreak response team to overcome emergency such as bio-terrorism attack. In addition, an Early Warning Outbreak Reporting System (EWORS) has been developed to have the capability of an early warning of outbreaks.

The Department of Health has also established a Center for Coping with Health Issues, which is mandated to implement technical policies of overcoming/ responding to health issues related to disasters.

20. In the event of hazardous materials going missing or being stolen, are investigations into the disappearances conducted by the Government, the private sector or a combination of both?

In the event a hazardous material has gone missing or has been stolen, investigation into the disappearance is conducted by the police with the assistance of expert from relevant agencies. For example, in the case of a theft of nuclear material, police will conduct investigation with the assistance of the Nuclear Energy Control Board (BAPETEN).

21. The CTC is aware that Indonesia may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaires as part of Indonesia's response to these matters as well as details of any efforts to implement international best practices, codes and standards which are relevant to the implementation of resolution 1373.

Jakarta, 9 January 2004